

Title 33
Environmental Quality
Part IX. Water Quality Regulations

Chapter 23. The Louisiana Pollutant Discharge Elimination System (LPDES) Program

Subchapter A. Definitions and General Program Requirements

§2301. General Conditions

* * *

[See Prior Text in A - D.1]

2. for facilities with both valid NPDES and valid LWDPS permits, the NPDES permit shall become the LPDES permit ~~and both the LPDES and become enforceable under these regulations.~~ and The LWDPS permit ~~s~~ will also remain in effect and be enforceable under these regulations until such time as ~~the LWDPS permit is modified and reissued as an LPDES permit or the LWDPS permit it expires or is reissued as an LPDES permit~~ terminated;

3. for facilities with valid LWDPS permits only, the LWDPS permit shall remain in effect and be enforceable under these regulations until such time as ~~it is modified and reissued as an LPDES permit or the LWDPS permit expires or is reissued as an~~ terminated and an LPDES permit is issued; and

* * *

[See Prior Text in D.4 - E]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR **.

§2313. Definitions

The following definitions apply to LAC 33:IX.Chapter 23.Subchapters A)G. Terms not defined in this Section have the meaning given by the CWA. When a defined term appears in a

definition, the defined term is sometimes placed in quotation marks as an aid to readers.

* * *

[See Prior Text]

New Discharger—any building, structure, facility, or installation:

* * *

[See Prior Text in (a) - (c)]

(d). which has never received a finally effective permit for discharges at that site. This definition includes an indirect discharger which commences discharging into waters of the state after August 13, 1979. It also includes any existing mobile point source (other than an offshore or coastal oil and gas exploratory drilling rig or a coastal oil and gas developmental drilling rig) such as a seafood processing rig, seafood processing vessel, or aggregate plant, that begins discharging at a site for which it does not have a permit; and any offshore or coastal mobile oil and gas exploratory drilling rig or coastal mobile oil and gas developmental drilling rig that commences the discharge of pollutants after August 13, 1979, at a site under EPA's permitting jurisdiction for which it is not covered by an individual or general permit and which is located in an area determined by the EPA regional administrator in the issuance of a final permit to be an area ~~or of~~ biological concern. In determining whether an area is an area of biological concern, the EPA regional administrator shall consider the factors specified in 40 CFR 125.122(a) (1)) (10). An offshore or coastal mobile exploratory drilling rig or coastal mobile developmental drilling rig will be considered a new discharger only for the duration of its discharge in an area of biological concern.

* * *

[See Prior Text]

Pollutant—for the purposes of the Louisiana Pollutant Discharge Elimination System, as defined in the act, dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)), 42 U.S.C. 2011 et seq., as amended, heat, wrecked or

discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water. For the purposes of the Louisiana Pollutant Discharge Elimination System, as defined in the act, "pollutant" ~~It~~ does not mean:

(a). ~~sewage from vessels~~ water, gas, waste, or other material that is injected into a well for disposal in accordance with a permit approved by the Department of Natural Resources or the Department of Environmental Quality; or

(b). water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil and gas production and disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the state in which the well is located, and if the state determines that the injection or disposal will not result in the degradation of ground or surface water resources.

~~— Note: Radioactive materials covered by the Atomic Energy Act are those encompassed in its definition of source, by product, or special nuclear materials. Examples of materials not covered include radium and accelerator-produced isotopes. See Train v. Colorado Public Interest Research Group, Inc., 426 U.S. 1 (1976). —~~

* * *

[See Prior Text]

Waters of the State—for purposes of the Louisiana Pollutant Discharge Elimination System, all surface waters within the state of Louisiana and, on the coastline of Louisiana and the Gulf of Mexico, all surface waters extending therefrom three miles into the Gulf of Mexico. For purposes of the Louisiana Pollutant Discharge Elimination System, this includes all surface waters that are subject to the ebb and flow of the tide, lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, impoundments of waters within the state of Louisiana otherwise defined as "waters of the United States" in 40 CFR 122.2, and tributaries of all such waters. "Waters of the state" does not include waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Clean Water Act, 33 U.S.C. 1251 et seq.

* * *

[See Prior Text]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR **.

§2319. Effect of a Permit

A. 1. Except for any toxic effluent standards and prohibitions imposed under section 307 of the CWA and standards for sewage sludge use or disposal under 405(d) of the CWA, compliance with a permit during its term constitutes compliance, for purposes of enforcement, with sections 301, 302, 306, 307, 318, 403, and 405 (a)) (b) of the CWA. However, a permit may be modified, revoked and reissued, or terminated during its term for cause as set forth in LAC 33:IX.2383 ~~and LAC 33:IX.2387, and 2769.~~

* * *

[See Prior Text in A.2 - C]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR **.

§2323. Confidentiality of Information

* * *

[See Prior Text in A - B]

C. Additional information concerning nondisclosure of confidential information is found in LAC 33:I.Chapter 5 and LAC 33:IX.2763.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), as amended LR **.

Subchapter B. Permit Application and Special LPDES Program Requirements

§2331. Application for a Permit

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[See Prior Text in A - F.6.i]

7. a topographic map (or other map if a topographic map is unavailable) extending one mile beyond the property boundaries of the source, depicting the facility and each of its intake and discharge structures; each of its hazardous waste treatment, storage, or disposal facilities; each well where fluids from the facility are injected underground; and those wells, springs, other surface water bodies, and drinking water wells listed in public records or otherwise known to the applicant in the map area; ~~and~~

8. a brief description of the nature of the business ~~and~~

9. additional application requirements in LAC 33:IX.2765.A.

G. Application Requirements for Existing Manufacturing, Commercial, Mining, and Silvicultural Dischargers. Existing manufacturing, commercial mining, and silvicultural dischargers applying for LPDES permits, except for those facilities subject to the requirements of ~~LAC 33:IX.2331.H~~ Subsection H of this Section, shall provide the following information to the state administrative authority, using application forms provided by the state administrative authority ~~and~~:

1. Outfall Location. The latitude and longitude to the nearest 15 seconds and the name of the receiving water. Additional outfall location requirements are found in LAC 33:IX.2765.B.

* * *

[See Prior Text in G.2 - G.13]

H. Application Requirements for Manufacturing, Commercial, Mining and Silvicultural Facilities Which Discharge Only Nonprocess Wastewater. Except for stormwater discharges, all manufacturing, commercial, mining and silvicultural dischargers applying for LPDES permits which discharge only non-process wastewater not regulated by an effluent limitations guideline or new source performance standard shall provide the following

information to the state administrative authority, using application forms provided by the state administrative authority:

1. Outfall Location. Outfall number, latitude and longitude to the nearest 15 seconds, and the name of the receiving water. Additional outfall location requirements are found in LAC 33:IX.2765.B.

* * *

[See Prior Text in H.2 - J.4]

K. Application Requirements for New Sources and New Discharges. New manufacturing, commercial, mining and silvicultural dischargers applying for LPDES permits (except for new discharges of facilities subject to the requirements of ~~LAC 33:IX.2331.H~~ Subsection H of this Section or new discharges of storm water associated with industrial activity which are subject to the requirements of LAC 33:IX.2341.C.1 and this Section (except as provided by LAC 33:IX.2341.C.1.b)) shall provide the following information to the state administrative authority, using the application forms provided by the state administrative authority:

1. Expected Outfall Location. The latitude and longitude to the nearest 15 seconds and the name of the receiving water. Additional outfall location requirements are found in LAC 33:IX.2765.B.

* * *

[See prior Text in K.2 - Footnote 1]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR **.

Subchapter C. Permit Conditions

§2355. Conditions Applicable to All Permits

The following conditions apply to all LPDES permits. Additional conditions applicable to LPDES permits are in LAC 33:IX.2357. All conditions applicable to LPDES permits shall be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to

these regulations (or the corresponding approved state regulations) must be given in the permit.

* * *

[See Prior Text in A - C]

D. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. Additional requirements are found in LAC 33:IX.2771.

* * *

[See Prior Text in E - I.4]

5. perform such additional requirements for inspection and entry as are found in LAC 33:IX.2773.

* * *

[See Prior Text in J - J.3.d]

e. the analytical techniques or methods used; ~~and~~
f. the results of such analyses ~~;~~ and
g. additional information found in LAC 33:IX.2775.

* * *

[See Prior Text in J.4 - L.6.a]

b. The following shall be included as information which must be reported within 24 hours under this Paragraph ~~;~~:

i. any unanticipated bypass which exceeds any effluent limitation in the permit (see ~~LAC 33:IX.2361.G.~~ Subsection M.3.b of this Section) ~~;~~ i

ii. any upset which exceeds any effluent limitation in the permit ~~;~~ and

* * *

[See Prior Text in L.6.b.iii - M.3.a]

b. Unanticipated Bypass. The permittee shall submit notice of an unanticipated bypass as required in LAC 33:IX.2355.L.6 (24-hour notice). Additional reporting

requirements are found in LAC 33:IX.2777.A.

* * *

[See Prior Text in M.4 - N.3.b]

c. the permittee submitted notice of the upset as required in LAC 33:IX.2355.L.6.b.ii (24-hour notice)
(Additional reporting requirements are found in LAC 33:IX.2777.B); and

* * *

[See Prior Text in N.3.d - N.4]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR **.

§2361. Establishing Limitations, Standards, and Other Permit Conditions

In addition to the conditions established under LAC 33:IX.2359.A, each LPDES permit shall include conditions meeting the following requirements when applicable.

* * *

[See Prior Text in A - H]

I. Monitoring Requirements. In addition to LAC 33:IX. ~~2469~~2369, the following monitoring requirements:

* * *

[See Prior Text in I.1 - Q]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR **.

Subchapter D. Transfer, Modification, Revocation and Reissuance, and Termination of Permits

§2383. Modification or Revocation and Reissuance of Permits

When the state administrative authority receives any information (for example, inspects the facility, receives information submitted by the permittee as required in the permit (see LAC 33:IX.2355), receives a request for modification or revocation and reissuance under LAC 33:IX.2407, or conducts a review of the permit file) he or she may determine whether or not one or more of the causes listed in ~~LAC 33:IX.2383. Subsections A and B of this Section~~ for modification or revocation and reissuance or both exist. If cause exists, the state administrative authority may modify or revoke and reissue the permit accordingly, subject to the limitations of LAC 33:IX.2407.C and may request an updated application if necessary. When a permit is modified, only the conditions subject to modification are reopened. If a permit is revoked and reissued, the entire permit is reopened and subject to revision and the permit is reissued for a new term (see LAC 33:IX.2407.C.2). If cause does not exist under this Section or LAC 33:IX.2385, the state administrative authority shall not modify or revoke and reissue the permit. If a permit modification satisfies the criteria in LAC 33:IX.2385 for minor modifications the permit may be modified without a draft permit or public review. Otherwise, a draft permit must be prepared and other procedures in 40 CFR part 124 (or procedures of an approved state program) followed.

* * *

[See Prior Text in A - A.6]

7. Reopener. When required by the reopener conditions in a permit, which are established in the permit under LAC 33:IX.2361. ~~BC~~ (for CWA toxic effluent limitations and standards for sewage sludge use or disposal, see also LAC 33:IX.2361. ~~EB~~) or ~~LAC 33:IX.2719.E~~ (pretreatment program).

* * *

[See Prior Text in A.8 - A.18]

B. Causes for Modification or Revocation and Reissuance. The following are causes to modify or, alternatively, revoke and reissue a permit:

1. cause exists for termination under LAC 33:IX.2387 or 2769, and the state administrative authority determines that modification or revocation and reissuance is appropriate;

* * *

[See Prior Text in B.2]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR **.

§2387. Termination of Permits

* * *

[See Prior Text in A - A.2]

3. a determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination; ~~or~~

4. a change in any condition that requires either a temporary or a permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit (for example, plant closure or termination of discharge by connection to a POTW) ~~;~~ or

5. additional causes of termination contained in LAC 33:IX.2769.

* * *

[See Prior Text in B]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR **.

Subchapter E. General Program Requirements**§2407. Modification, Revocation and Reissuance, or Termination of Permits**

A. Permits may be modified, revoked and reissued, or terminated either at the request of any interested person (including the permittee) or upon the state administrative authority's initiative. However, permits may only be modified,

revoked and reissued, or terminated for the reasons specified in LAC 33:IX.2383 ~~, or LAC 33:IX.2387, or 2769.~~ All requests shall be in writing and shall contain facts or reasons supporting the request.

* * *

[See Prior Text in B.1 - B.3]

C. If the state administrative authority tentatively decides to terminate a permit under LAC 33:IX.2387 or 2769, he or she shall issue a notice of intent to terminate. A notice of intent to terminate is a type of draft permit which follows the same procedures as any draft permit prepared under LAC 33:IX.2409. In the case of EPA-issued permits, a notice of intent to terminate shall not be issued if the EPA regional administrator and the permittee agree to termination in the course of transferring permit responsibility to an approved state under 40 CFR 123.24(b)(1) (NPDES), or 501.14(b)(1)(Sludge).

* * *

[See Prior Text in D]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR **.

§2413. Fact Sheet

* * *

[See Prior Text in A - B.7]

8. ~~for LPDES permits,~~ provisions satisfying the requirements of LAC 33:IX.2445 ~~;~~ and

9. additional requirements found in LAC 33:IX.2779.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR **.

§2415. Public Notice of Permit Actions and Public Comment Period

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[See Prior Text in A - E]

F. Additional public notice requirements are found at LAC 33:IX.2781.A.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR **.

Subchapter P. Criteria and Standards for Best Management Practices Authorized Under Section 304(e) of the Act

§2569. Best Management Practices Programs

* * *

[See Prior Text in A - B.4.c.x]

[Comment: Additional technical information on BMPs and the elements of a BMP program is contained in a publication entitled "~~NPDES Best Management Practices Guidance Document~~ Guidance Manual for Developing Best Management Practices (BMP)." Copies may be obtained by written request to Edward A. Kramer (EN336), Office of Water ~~Enforcement~~, Resource Center (mail code: 4100) Environmental Protection Agency, Washington, DC. 20460.]

* * *

[See Prior Text in C - F]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR **.

Subchapter S. Secondary Treatment Under the LPDES Program

§2651. Treatment Equivalent to Secondary Treatment

This Section describes the minimum level of effluent quality attainable by facilities eligible for treatment equivalent to secondary treatment (LAC 33:IX.2643. @Facilities Eligible for Treatment Equivalent to Secondary Treatment) in terms of the parameters BOD₅, TSS and pH. All requirements for the specified

parameters in LAC 33:IX.2651.A, B, and C shall be achieved except as provided for in LAC 33:IX.2647, or 2651.D, E, or F.

* * *

[See Prior Text in A - F.2]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR **.

Subchapter T. General Pretreatment Regulations for Existing and New Sources of Pollution

§2727. Confidentiality

* * *

[See Prior Text in A - C]

D. Additional information concerning nondisclosure of confidential information is found in LAC 33:I.Chapter 5 and LAC 33:IX.2763.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR **.

Subchapter V. Additional Requirements Applicable to the LPDES Program

§2767. Enforcement Actions

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[See Prior Text in A - A.4]

5. ~~noncompliance by the permittee~~ fails to comply with any condition of the permit; or

6. ~~failure~~ fails to pay applicable fees under the provisions of LAC 33:IX.Chapter 13.

* * *

[See Prior Text in B]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR **.

§2769. Additional Requirements for Permit Renewal and Termination

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[See Prior Text in A - C]

D. If a permittee has a valid LPDES permit, the state administrative authority may terminate the permittee's LWDP permit upon its own initiative or at the request of the permittee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR **.

§2777. Additional Requirements for Bypass and Upset Conditions

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[See Prior Text in A]

B. Upset. Upon becoming aware of an upset, notice shall be submitted within 24 hours (LAC 33:IX.2355.N.3. ~~bc~~) unless an earlier notice is required in R.S. 30:2025(J) and/or 30:2076(D).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR **.

§2781. Public Notice and Availability of Information

A. In addition to the requirements in LAC 33:IX.2415, ~~the applicant shall be responsible for~~ publication of the notice ~~once one time~~ in the newspaper(s) specified by the office ~~and submission of proof of publication will be required~~. ~~Upon publication, the applicant shall send the office a copy of the certificate of publication.~~ The costs of publication shall be

borne by the applicant.

B. All recorded information (completed permit application forms, fact sheets, draft permits, or any public document) not classified as confidential information under R.S. 30:2030(A) and 30:2074(D) and designated as such in accordance with these regulations (LAC 33:IX.2323 and ~~LAC 33:IX.27613~~) shall be made available to the public for inspection and copying in accordance with the Public Records Act, R.S. 44:1 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR **.

Appendix N

Pollutants Eligible for a Removal Credit

I. Regulated Pollutants in 40 CFR Part 503 Eligible for a Removal Credit

* * *

[See Prior Text in Appendix N]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR **.